
City of Bethel, Alaska

City Council Minutes

June 11, 2002

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on June 11, 2002, at 6:30 p.m. in the council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:30 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Gary Vanasse	Jerry Drake
Hugh Short, Jr.	Sue Trantham
Stanley Rodgers	Dario Notti

Excused absence(s): Carl Berger

Unexcused absence(s): none

Also in attendance were the following:

Colleen Soberay, Acting City Manager
Janette Persinger, City Clerk

PEOPLE TO BE HEARD

Paul Gregory – spoke to the issue of the curfew and the number of stolen boats and motors. Mr. Gregory also brought to the council's attention his concern over safety in Brown Slough and explained his concern over the escalation of elder abuse.

Roger Diementieff, Sr. – spoke to the off-road vehicle ordinance. Mr. Diementieff supports the proposed ordinance. He feels that those citizens in Bethel who do not have vehicles could benefit from the use of four wheelers.

Eric Middlebrook – spoke to the off-road vehicle ordinance. Mr. Middlebrook also supports the proposed ordinance and expressed his concerns over the fact that four wheelers are already being used on the roads. He feels that if the ordinance were to pass that the safety and laws of off-road vehicles could be more readily enforced. Mr. Middlebrook continued that travel for the villagers could be more easily accommodated.

Howard Elliot – spoke to the Crow property acquisition. Mr. Elliot encouraged the council to take the acquisition into serious consideration and further stated that this would be an opportunity that would not be made available to the City again. He expressed his concern over the lack of easement that the City has to the waterfront and encouraged the council to look to the future.

Jerry Galliard – spoke to off-road vehicle ordinance and stated that earlier in the evening he witnessed several individuals on four wheelers and dirt bikes tearing up the seawall. Continuing, Mr. Galliard stated his concerns over safety on the roadways and the added burden on the police department.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the May 28, 2002 regular meeting
SECONDED BY:	Short, Jr.	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Short, Jr.	To approve the regular agenda and consent agenda
SECONDED BY:	Vanasse	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR’S REPORT

The Mayor’s Report included the following:

- Letter from Denali Commission regarding an update on Village Safe Water funds
- Letter from Joe Seibert of Bethel Little League Board of Directors regarding a donation to the Little League
- Letter from Alaska Department of Community and Economic Development regarding fiscal year 03 State Revenue Sharing Program
- Letter from Alaska Industrial Development and Export Authority re: Power Cost Equalization Program (PCE). For the month of June the PCE will be reduced to 34%.
- News Release from Governor Tony Knowles office regarding funding Pioneer’s and Veterans’ homes during special session
- News Release from Governor Tony Knowles office declaring break up flood disaster
- News Release from Senator Lyman Hoffman re: Power Cost Equalization
- Governor’s Talking Points for the week of June 3, 2002

Mayor’s appointment: Tom Fazzini – Public Safety & Transportation Commission

MOVED BY:	Vanasse	To appoint Tom Fazzini to the Public Safety & Transportation Commission
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MANAGEMENT TEAM’S REPORT

Acting City Manager Soberay noted the management reports included in Council packets.

Council Member Vanasse raised the question regarding the City’s acquisition of the Wintersteen property. Acting City Manager Soberay stated that as of this time an offer to purchase the property has not been made by Allen Wintersteen.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council Member Berger was not present.

Parks and Recreation Committee

Council Member Trantham reported that the Parks and Recreation Committee had not met since the last meeting. The next meeting will held on June 19, 2002 at 6:00 pm.

Planning Commission

Council Member Notti reported that the planning commission had a special meeting regarding Kasayuli Subdivision. The meeting focused on changing the number of lots in the subdivision. A brief discussion ensued regarding the lots. The next meeting will be June 13, 2002.

Port Commission

Mayor Rodgers reported that the Port Commission had not met since the last work session. Mayor Rodgers was unable to attend that meeting. There will be a meeting on June 17, 2002.

Public Works Committee

The last regular meeting of the Public Works Committee was on May 6, 2002. Council Member Vanasse had previously reported on that meeting and the minutes are included in the packet. The next scheduled meeting was for May 18, 2002. However, a quorum could not be reached for that meeting. The next regular meeting is scheduled for June 18, 2002 at 12:00 p.m. in the Public Works conference room.

Public Safety and Transportation Commission

Council Member Drake said the PSTC' discussion under item (d) unfinished business and he will report at that time.

Finance Committee

Council Member Short reviewed the minutes of the June 6, 2002 meeting. Among the items on the agenda were reducing the enforceable curfew age to 16 and urging the police department to enforce the curfew, a motion was made to repeal the language of the ordinance regarding home sales tax, discussion of the Parks & Recreation department, motion to add another \$50,000 to the FY03's budget for gravel, exemption for child care services for those who provide a service for less than 10 children, and a motion was made and passed to add an unfunded staff attorney position to the FY03 budget.

UNFINISHED BUSINESS

Item A — Public Hearing — Ordinance #02-19: FY03 Budget

Mayor Rodgers opened the public hearing.

Harold Jones, Bethel citizen, member of the finance committee, and business owner – suggested that \$50,000 be taken out of the reserve fund to purchase gravel and an additional \$50,000 be taken out to pay for the hauling of city sand. He further suggested that the hauling of the sand go out to the public and anyone could haul the sand for \$35.00 per load. Council Member Notti asked for clarification regarding the hauling of the sand.

Dave Trantham, Bethel citizen and member of the finance committee – reported that he has taken many testimonies from the public regarding what they would like to see in this year's budget. Further, Mr. Trantham reported that the number one priority of the people for the FY03 budget is \$50,000 to purchase additional gravel and \$50,000 to pay for hauling of sand. The second reported priority is a City of Bethel staff attorney. He recommended that the position be left unfunded, pending grant monies to fund the position. Council Member Notti questioned Mr. Trantham on the exact amount of testimonies taken. Mr. Trantham reported that more than 200 people testified to the needs of the roads.

Thor Williams, Bethel citizen and member of the finance committee – stated that the budget needs to be gone over with a fine toothcomb. He further stated that the council should take the time to speak with members of the community and to make sure that the budget is fair to everyone.

MOVED BY:	Drake	To adopt ordinance #02-19 FY03 budget
SECONDED BY:	Notti	

Council Member Drake stated the budget already represents a \$100,000.00 additional increase in gravel purchases and a dedicated full-time mechanic/dust control position. Council Member Drake said that the council could feel good about the increases to road maintenance and dust control. He also pointed out that the break down of attorney costs was given to a member of the finance committee and is unsure of why that member did not provide the information to all council members.

Council Member Short stated that there have been 14 – 16 meetings regarding the budget. The budget has been gone through tediously. He reported that after looking at the numbers for attorney costs for the previous fiscal year, he was able to recognize that during phase one of City Subdivision water project \$80,000.00 was expended on attorney fees. That money was directly reimbursed to the city by the State of Alaska through Village Safe Water. Two hundred and twenty thousand dollars was expended during the last fiscal year; however, the cost included 14 attorneys. He further recognized that one staff attorney would not be able to provide the same amount of services. Council Member Short touched on the expenditures for the capital budget and felt that through the budget work sessions the council members concurred on the expenditures.

Council Member Vanasse stated that he felt that there were some inaccuracies in the budget. He also stated that he has some questions regarding salaries in the finance and administration department and stated his support of an additional \$50,000.00 for gravel and \$50,000.00 for privatized hauling of sand.

Mayor Rodgers raised the question of volunteers driving vehicles for dust control. Acting City Manager Soberay informed him of the liability issues involved with volunteers driving the vehicles. Council Member Vanasse added that he had a discussion with the finance director and the city manager and was told that there would be an issue with the employee’s union regarding volunteer truck drivers.

VOTE ON MOTION	Motion failed with a roll call vote of 2 – 4 (Drake, Short, Jr.)
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MOVED BY:	Vanasse	To rescind previous action on ordinance #02-19
SECONDED BY:	Notti	

VOTE ON MOTION	Motion passes with a roll call vote of 4 – 2 (Drake, Short, Jr.)
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MOVED BY:	Short, Jr.	To adopt, with amendments, ordinance #02-19
SECONDED BY:	Drake	
		<ul style="list-style-type: none"> ● Addition of \$50,000.00 to purchase gravel to the public works capital budget ● Cut the Customer Service Supervisor’s proposed salary from \$44,000.00 to \$35,000.00 from the finance department ● Addition of two snowmachines at the cost of \$14,000.00 to the police department capital budget

Council Member Short proposed the following amendments: add an additional \$50,000.00 to purchase gravel to the public works capital budget and the position of Customer Service Supervisor's salary would be cut to \$35,000.00 per year. Acting City Manager Soberay asked that the current salary of the employee in the position be verified with the finance director before the final amendment was made. Council Member Short stated that the current amount was \$32,000.00.

Council Member Vanasse proposed the addition of two snowmachines at the cost of \$14,000.00 to the police department capital budget.

Council Member Notti proposed that only one snowmachine be added to the police department budget. This proposed amendment was not accepted into the motion.

VOTE ON MOTION	Motion passes with a roll call vote of 5 – 1 (Rodgers)
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Item B — Public Hearing — Ordinance #02-17: Authorizing the acquisition of Lots 4 & 5, Block 8 USS3790, Bethel Townsite East Addition

Mayor Rodgers opened public hearing.

Acting City Manager Soberay stated that the council has a great and rare opportunity to purchase the land. The land is protected riverfront property and within the next year, under the seawall rehabilitation program – the seawall on this property is scheduled to be rebuilt. She further stated that it is in the best interest of the city and recommended council to pass ordinance #02-17.

Joanne Galliard, assistant port director – encouraged the council to pass this ordinance. She stated her concerns regarding overcrowding at the dock and there is the possibility for the city to gain pass-through revenue from the land as well.

Howard Elliot, port director – expressed his feeling that the purchase of this land is the “chance of a lifetime” and reiterated the need for the additional space to be used by the port.

MOVED BY:	Drake	To adopt ordinance #02-17
SECONDED BY:	Vanasse	

Mayor Rodgers inquired of Acting City Manager Soberay as to where the monies to purchase the property would come from. Acting City Manager Soberay stated that the purchase price is \$371,000.00 and would come out of the seawall maintenance fund. Council Member Notti asked if any sampling of the soil has been completed. Acting City Manager stated that a visual survey had been completed of the property and is believed that there are no contaminates and said administration has 60 days to inspect the property further and at any time within the 60 days may cancel the purchase and sale agreement.

VOTE ON MOTION	Motion carried by unanimous roll call vote of 6 - 0.
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Item C — Public Hearing — Ordinance #02-02: Providing for bank service sales tax exemptions

Mayor Rodgers opened public hearing. There were no members of the community to be heard.

MOVED BY:	Short, Jr.	To postpone and schedule another public hearing on June 25, 2002
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote of 6 - 0.
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**Item D — Discussion Item: Ordinance #02-09 re: Public Safety & Transportation
Commission comments**

Council Member Drake reported to the council that two of the items of concern to the Public Safety & Transportation Commission were under 2.52.040 qualification – item d – individual. The language in which it is written does not clearly define who would be held liable – the individual or business owner. Also of concern, under 2.52.025 – purpose – the Commission felt that the language of the last line was too broad and should be stricken. The scenario was brought up that if a person votes no on an item – does that mean that they are not striving for positive change?

MOVED BY:	Drake	To amend ordinance #02-09 and define individual and strike the last two sentences under 2.52.025 – purpose.
SECONDED BY:	Short, Jr.	

After ensuing discussion, the language 90 days late was added to 2.25.070 (b). The ordinance will go back out to the committees and commissions before coming back to council.

VOTE ON MOTION	Motion carried by unanimous voice vote of 6 - 0.
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MOVED BY:	Notti	To strike the language – <i>or is otherwise not in compliance with any provisions of the Bethel Municipal Code</i> – under 2.25.040 (d)
SECONDED BY:		

VOTE ON MOTION	Motion fails with the lack of a second.
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NEW BUSINESS

Item A — Introduction — Ordinance #02-20: AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT FOR MODIFICATION OF THE AFTER-ACQUIRED TITLE AGREEMENT BETWEEN BETHEL NATIVE CORPORATION (“BNC”) AND THE CITY OF BETHEL (“CITY”) DATED NOVEMBER 19, 1982; AUTHORIZING THE CITY TO ENTER INTO A NON-EXCLUSIVE EASEMENT AGREEMENT WITH BNC FOR THE SOLE PURPOSE OF CONSTRUCTING, OPERATING AND MAINTAINING A PIPELINE SYSTEM TO TRANSPORT PETROLEUM AND PETROLEUM PRODUCTS FROM A TANK FARM LOCATED ON TRACT 2 OF THE BNC INDUSTRIAL PARK SUBDIVISION (“TANK FARM”) TO AND FROM THE BETHEL PETROLEUM DOCK (“DOCK”); AND AUTHORIZING THE CITY TO ENTER INTO A FACILITIES USE AGREEMENT WITH CROWLEY MARINE SERVICES, INC. FOR USE OF THE DOCK IN CONNECTION WITH THE TANK FARM OPERATION

MOVED BY:	Drake	Introduction and set for public hearing on June 25, 2002
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Item B — Introduction — Ordinance #02-21: Authorizing the use of off road vehicles on City of Bethel streets and roads

MOVED BY:	Notti	To introduce ordinance #02-02 and set public hearing for June 25, 2002
SECONDED BY:		

VOTE ON MOTION	Motion fails with lack of a second.
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Item C — Ratification of employee union agreement

MOVED BY:	Short	To ratify the proposed employee union agreement
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SECONDED BY:	Drake	
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Acting City Manager Soberay provided the council with an overview of the union agreement.

VOTE ON MOTION	Motion carried by unanimous voice vote.	
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COUNCIL MEMBER COMMENTS

Council Member Berger – was not present.

Council Member Trantham – no comment.

Council Member Drake asked if any council member would like to be his co-host in Wednesday morning’s KYUK radio talk show. Council member Short agreed to be the co-host.

Council Member Rodgers shared his concerns regarding three and four wheelers. The fishing season opens tonight at midnight. He reminded everyone that the water is high and to wear pfd’s. He also shared his concerns about boats traveling too fast in the slough. Mayor Rodgers thanked the council for adding the extra funding for the additional gravel purchase.

Council Member Notti thanked those who spoke to the issue of the off road vehicle ordinance and expressed his feelings that the ordinance should have been on the agenda for public hearing. He expanded on his concerns for the villagers who may be traveling to Bethel.

Council Member Vanasse thanked the finance department, city administration, department heads, committees and commissions, and the council for all of the work done on the budget.

Council Member Short expressed his feelings over the BNC/Crowley project.

ADJOURNMENT

MOVED BY:	Short, Jr.	To adjourn the meeting.
SECONDED BY:	Vanasse	

VOTE ON MOTION	Motion carried by unanimous voice vote.	
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With no further business before the Council, the meeting adjourned at 8:40 p.m.

APPROVED THIS 25th of June 2002.

ATTEST:

Stanley “Tundy” Rodgers, Mayor

Janette Persinger, City Clerk